

JS 6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PHYLLIS FRANKE, individually, and
on behalf of other members of the
general public similarly situated,

Plaintiff,

v.

ANDERSON MERCHANDISERS
LLC, an unknown business entity and
DOES 1 through 100, inclusive,

Defendant.

Case No. 2:17-cv-03241 DSF (AFMx)

**ORDER APPROVING
SETTLEMENT AGREEMENT AND
RELEASE AND DISMISSING
PLAINTIFF'S INDIVIDUAL
CLAIMS WITH PREJUDICE AND
THE CLAIMS OF PUTATIVE
CLASS MEMBERS WITHOUT
PREJUDICE**

1
2 The Court has received the parties' Joint Stipulation Requesting Approval of
3 Settlement Agreement and Release and, Upon Approval, Jointly Stipulating to
4 Dismissal of Plaintiff's Individuals Claims with Prejudice and the Claims of Putative
5 Class Members Without Prejudice ("Joint Stipulation"). The Settlement Agreement
6 and Release concerns Plaintiff's potential claims under the Fair Labor Standards Act
7 ("FLSA"), 29 U.S.C § 201, et seq., based on Defendant's alleged failure to properly
8 pay Plaintiff for overtime hours worked in excess of forty hours per week and
9 minimum wages.

10 The Court acknowledges that this Order is a judicial approval of a reasonable
11 compromise, not a finding, conclusion, or reflection of any admission of a violation
12 of the FLSA, willful, intentional, or otherwise. The Court has reviewed the parties'
13 Joint Stipulation and Settlement Agreement and Release. The Court is further aware
14 of a substantial exchange of discovery information and extensive settlement
15 negotiation efforts. The Court is of the opinion that there is a *bona fide* dispute over
16 application of the relevant provisions of the FLSA, 29 U.S.C. § 201, et seq., and
17 specifically, whether Plaintiff was properly paid for time allegedly worked in excess
18 of forty hours per week and for minimum wages. In light of these legitimate
19 disputes, the Court is of the opinion that the parties' Settlement Agreement and
20 Release reflects a fair and reasonable resolution of these bona fide disputes.
21 Consequently, and good cause appearing,

22 **THE COURT ORDERS:**

23 1. The Settlement Agreement and Release attached as Exhibit 1 to the Joint
24 Stipulation, settling and resolving all of Plaintiff's FLSA claims, is approved.
25 2. All dates and deadlines in the above-entitled lawsuit are vacated.

26 ///

27 ///

28 ///

1 3. Plaintiff's individual claims in the Third Amended Complaint are
2 DISMISSED with prejudice and the claims of putative class members in the Third
3 Amended Complaint are DISMISSED without prejudice.

4
5 Dated: 5/14/18
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dale S. Fischer _____
UNITED STATES DISTRICT JUDGE